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TO	COMPANY NAME	FAX NO.
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TOTAL NO. OF PAGES 15		
FROM	David L. Schaeffer, Reg. No. 32,716	
SENDER'S FAX NO.	212-806-6006	
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SENDER'S EMAIL	dschaeffer@stroock.com	
ROOM NO.	3869	
ATTORNEY NO.	3551	
CLIENT/MATTER NAME	U.S. Patent Appln. No. 09/943,229	
CLIENT/MATTER NO.	564131/0023	

MESSAGE

Enclosed please find:

1. Certificate of Transmission; and
2. Request for Confirmation of Receipt of Claim to Priority and Priority Document (3 pgs. plus Exhibits A-D).

CONFIDENTIAL

The information contained in this facsimile is privileged and confidential, and is intended only for the use of the individual named above and others who have been specially authorized to receive such. If the recipient is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, or if any problems occur with this transmission, please notify us by telephone at 212-806-6102.

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JUN 15 2004

OFFICIAL

Docket No.
564131/0023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: **Masahiko Mori, et al.**

Group Art Unit: **1773**

Application No.: **09/943,229**

Examiner: **Stevan A. Resan**

Filed: **August 30, 2001**

For: **MAGNETIC RECORDING MEDIUM**

Date: **June 15, 2004**

CERTIFICATE OF TRANSMISSION
BY FACSIMILE (37 C.F.R. § 1.8)

Mail Stop Issue Fee
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

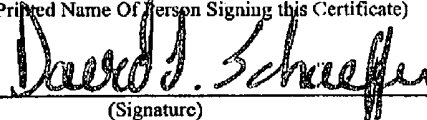
I hereby certify that the following correspondence:

Request for Confirmation of Receipt of Claim to Priority and Priority Document (3 pgs. plus Exhibits A-D)

is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. § 1.8 on the following date: **June 15, 2004**

David L. Schaeffer

(Typed Or Printed Name Of Person Signing this Certificate)



(Signature)

SSL-DOCS1 1468691v1

JUN 15 2004

OFFICIAL

Docket No.
564131/0023IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: **Masahiko Mori et al.** Art Unit: **1773**
Application No.: **09/943,229** Examiner: **Stevan A. Resan**
Filed: **August 30, 2001**
For: **MAGNETIC RECORDING MEDIUM**

Date: **June 15, 2004**REQUEST FOR CONFIRMATION OF
RECEIPT OF CLAIM TO PRIORITY
AND PRIORITY DOCUMENT

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants have received a Notice of Allowance and Notice of Allowability in the subject application.

The Notice of Allowability erroneously states that the certified copy of the priority document for this application has not been received. For convenience, a copy of the Notice of Allowability is annexed as Exhibit A.

In fact, the certified copy of the priority document for this application (Japanese Patent Appln. No. 2000-264329) and a Claim to Priority were both filed along with this application on August 30, 2001 utilizing the Certificate of Express Mail procedure specified in 37 C.F.R. § 1.10.

For convenience, copies of the first page of the Claim to Priority, priority document, and the requisite Certificate of Mailing by "Express Mail" are annexed as Exhibit B.

Proof of mailing in the form of the Express Mail receipt is annexed as Exhibit C.

SSL-DOCS1 1467832v1

Application No. 09/943,229
REQUEST FOR CONFIRMATION....
dated June 15, 2004

Proof of receipt of these papers by the Patent and Trademark Office in the form of a copy of the return postcard submitted with this application is provided at Exhibit D. It should be noted that pursuant to the M.P.E.P., this return postcard is *prima facie* proof that the papers in question were received:

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. **A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.**

M.P.E.P. § 503 (emphasis added).

Thus, Applicants have established that the certified copy of the priority document and Claim to Priority for this application were properly filed in and received by the Patent and Trademark Office.

It also should be noted that Applicants have fully-complied with 37 C.F.R. § 1.55(a), entitled "Claim for Foreign Priority", which states in pertinent part:

(a) An applicant in a nonprovisional application may claim the benefit of the filing date of one or more prior foreign applications under the conditions specified in 35 U.S.C. 119(a) through (d) and (f), 172, and 365(a) and (b).

(1)(i) In an original application filed under 35 U.S.C. 111(a), the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. This time period is not extendable. The claim must identify the foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by specifying the application number, country (or intellectual property authority), day, month, and year of its filing....

(2) The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. 119(b) or PCT Rule 17 must, in any event, be filed before the patent is granted....

Application No. 09/943,229
REQUEST FOR CONFIRMATION....
dated June 15, 2004

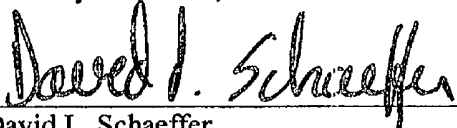
Since Applicants submitted the Claim to Priority and certified copy of the priority document along with the application papers as originally filed, they have fully-complied with Rule 55.

If deemed necessary, the Commissioner is authorized to treat this paper as a Petition Under 37 C.F.R. § 1.182. Since this paper is necessitated by Patent and Trademark Office error, no Petition Fee is believed to be due, but if the Commissioner deems otherwise, the Commissioner is authorized to charge that fee and any other fees which may be now or hereafter due to Deposit Account No. 19-4709.

Favorable consideration, confirmation that the priority document for this application has been received, and updating of the Patent and Trademark Office's records are respectfully requested.

If there are any questions, please contact Applicant's undersigned attorney at the telephone number below.

Respectfully submitted,

By: 

David L. Schaeffer
Registration No. 32,716
Attorney for Applicant
STROOCK & STROOCK & LAVAN LLP
180 Maiden Lane
New York, New York 10038
(212) 806-6677

EXHIBIT A

Notice of Allowability**Application No.**

09/943,229

Applicant(s)

MORI ET AL.

Examiner

Stevan A. Resan

Art Unit

1 773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Application.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



 Stevan A. Resan
 Primary Examiner
 Art Unit: 1773

EXHIBIT B

Docket No.
564131/0023
LR/MCD

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JUN 15 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Masahiko Mori, et al.
Application No. : Not Yet Assigned
Filed : Concurrently Herewith
For : MAGNETIC RECORDING MEDIUM

OFFICIAL

August 30, 2001

CLAIM TO PRIORITY

Box Patent Application
Commissioner for Patents
Washington, DC 20231

Sir:

Enclosed herewith is a certified copy of the following patent application:

<u>Country</u>	<u>Application No.</u>	<u>Filing Date</u>
Japan	264329/2000	31 August 2000

Priority under the provisions of 35 U.S.C. §119 of this application is hereby claimed.

Respectfully submitted,



Lawrence Rosenthal
Reg. No. 24,377
Attorney for Applicants
Stroock & Stroock & Lavan, LLP
180 Maiden Lane
New York, New York 10038
(212) 806-5400

日 本 国 特 許 庁
JAPAN PATENT OFFICE

別紙添付の書類に記載されている事項は下記の出願書類に記載されて
いる事項と同一であることを証明する。

This is to certify that the annexed is a true copy of the following application as filed
with this Office

出 願 年 月 日

Date of Application:

2000年 8月31日

出 願 番 号

Application Number:

特願2000-264329

出 願 人

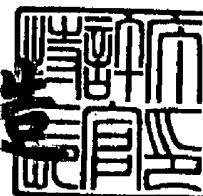
Applicant(s):

富士写真フイルム株式会社

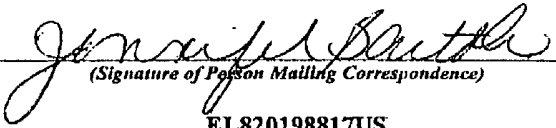
2001年 6月12日

特 許 庁 長 官
Commissioner,
Japan Patent Office

及 川 耕 造



出証番号 出証特2001-3055175

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)			Docket No.
Applicant(s): Masahiko MORI and Kiyomi EJIRI			564131/0023
Serial No. Not yet assigned.	Filing Date Herewith.	Examiner Not yet assigned.	Group Art Unit Not yet assigned.
Invention: MAGNETIC RECORDING MEDIUM			
<p>I hereby certify that the following correspondence:</p> <div style="border: 1px solid black; padding: 5px;"><p>Utility Patent Application Transmittal, Application (34 pages w/cover), Declaration and Power of Attorney (unsigned), Claim to Priority (w/ Japanese Patent No. 2000-264329).</p></div> <p style="text-align: center;"><i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on</p> <p style="text-align: center;"><u>August 30, 2000</u> <i>(Date)</i></p> <div style="text-align: right; margin-top: 20px;"><p><u>Jennifer Bartolo</u> <i>(Typed or Printed Name of Person Mailing Correspondence)</i></p><p> <i>(Signature of Person Mailing Correspondence)</i></p><p><u>EL820198817US</u> <i>("Express Mail" Mailing Label Number)</i></p></div>			

Note: Each paper must have its own certificate of mailing.

P05A/REV02

EXHIBIT C

EXPRESS MAIL

POST OFFICE TO ADDRESSEE

UNITED STATES POSTAL SERVICE®

ORIGIN (POSTAL USE ONLY)		Day of Delivery		First Flight Envelope
PO ZIP Code	10007	Next	9/16/05	
Date In	8/30/05	12 Noon	5 PM	Postage
Mo	2005	Monday		\$
Day	14	2nd Day	3rd Day	Return Receipt Fee
Year	05			
Time In	AM	Int'l Alpha Country Code	COD Fee	Insurance Fee
Weight	1.4			
No Delivery		Acceptance Clerk Initials	Total Postage & Fees	
Weekend		05	\$ 16.35	
Holiday				

METHOD OF PAYMENT:

Express Mail Certified Accept. No.

554121/0023

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STROOCK & LAVIN LLP

180 PARKER ST

NEW YORK

NY 10003-4425

Filed: 8/30/05

Doc: 8/31/05

TO: PLEASE PRINT

PHONE

FAX

STROOCK & LAVIN LLP

180 PARKER ST

WASHINGTON, DC 20005

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EXHIBIT D

JAN.	FEB.	MAR.	APR.	MAY	JUN.	JUL.	AUG.	SEP.	OCT.	NOV.	DEC.		
FLAG FOR EXPECTED MONTH OF RESPONSE BY PAT. O.													

PATENT OFFICE PLEASE STAMP DATE & RETURN

MONTH & DAY

Express Mail Label No.: EL820198817US

New U.S. Patent Application

Of: Masahiko Mori and Kiyomi Ejiri

For: MAGNETIC RECORDING MEDIUM

Our Ref.: 564131/0023 (LR/MCD)

Filed herewith in the above-identified application pursuant to 37 CFR §1.10 are:
Specification (cover and 34 pp.); Combined Declaration and Power of Attorney
(3 pp.)(unexecuted); Claim to Priority (1 p.); Certified Copy of Japanese Patent
Application No. 264329/2000; Utility Patent Application Transmittal (4 pp.); and
Certificate of Mailing by "Express Mail" (1 p.)

date of receipt by pat. o.
FILE BY THIS DATE

Filed: 8/30/01

MASTER CARD MARKED _____ GREEN & ANY YELLOW TICKLE CARDS PULLED _____

AWAITING PAT. O. ACTION TICKLE

CLERK _____